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MEWHINNEY CASE TO BE APPEALED

Salt Lake, May 26.—First steps toward an appeal to the United States supreme court in an effort to save the life of Harley Mewhinney, convicted murderer of C. L. Erickson, were taken yesterday by S. P. Armstrong, his attorney, who applied to the chief justice of the state supreme court for a writ of error on which to base the appeal.

The writ was denied by Chief Justice W. M. McCarty. Attorney Armstrong announced immediately thereafter that he would apply direct to the supreme court at Washington for permission to appeal. In case that permission is granted before Mewhinney faces the executioners he will have another fairly extended lease on life while the court of last resort passed on his case.

Until that permission is granted, however, the proceedings against Mewhinney are not stayed. He is scheduled to come before the district court within the next few days to be re-sentenced to death.

In his appeal to the highest court in the land, Attorney Armstrong will argue that the constitutional right of his client was abridged by the trial court when it instructed the jury that it must find Mewhinney guilty of first

degree murder or else acquit him. By failing to instruct as to the lesser degree of murder and manslaughter, Armstrong avers, the court undertook to pass upon the facts in the case instead of allowing the jury to do so. In that particular the trial court is alleged to have infringed upon the right of Mewhinney to a jury trial as guaranteed under the United States constitution.

Before Mewhinney's case will be admitted to the United States supreme court, that court will first determine whether they are any issues involved on which it has jurisdiction to pass. Attorney Armstrong will rest his case mainly on the contention cited.

This is said to be the first case of a man sentenced to death in Utah appealing to the national tribunal. Mewhinney's fight for life is without parallel in Utah. He was convicted of murder in the first degree for killing Erickson while attempting to rob a salesman in a local rooming house nearly four years ago. His defense was that of temporary insanity, superinduced by excessive use of drugs. He appealed to the supreme court and the judgment of death was affirmed. Then he appealed again, citing the same argument as that which is to be cited before the supreme court. Again his appeal was futile. Still not content, his attorney petitioned for a rehearing. This, too, was denied.

Read the Classified Ads.

STRIKERS' WIVES TELL THE PRESIDENT OF GREAT WRONGS DONE IN COLORADO



Left to right: Mrs. Lindsey, Judge Ben Lindsey, Mrs. Pearl Jolly, Mrs. Mary Petrucci, Mrs. M. H. Thomas and her two children (photographed in Washington.)

Judge Lindsey, the famous Denver juvenile court judge, brought these three miners' wives from the Colorado mining district to Washington to tell their story of the Ludlow massacre to the president. Mrs. Jolly is called the "heroine of the Ludlow battle," because of her care of the wounded under fire during the fight. Mrs. Petrucci lost three children when the tent colony burned, and Mrs. Thomas saved the lives of fifty children by keeping them in a well.

After Hunger Is Satisfied

WHEN WHAT? Is there a feeling of heaviness, of bloating, heartburn, nausea. Something remains undigested, ferments and disturbs the entire system. Such cases can be materially benefited by use of

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THEATERS

AT THE ORPHEUM.

When Lawrence Whitman wrote "The Road to Happiness," which was presented at the Orpheum last night, he did a big favor to the public in giving a fine medium of entertainment and he proved himself a philosopher of no little worth, as well as a playwright of the first order. And when William Hodge was given to the stage, that much talked of fixture on this old globe, received one of the best exponents of the art of acting that has been projected upon it in a number of years.

Even as "The Man from Home" and the name of William Hodge were inseparable two seasons ago, so has the name of the same man been coupled with "The Road to Happiness," and, though Hodge should essay nothing else, his work in those two productions would win him a place as a delineator of modern drama in the hearts of the theatregoers that would live for a long time.

"The Road to Happiness" is a pastoral drama with in the vernacular of the street—a "punch" and, in addition to the quaint humor and deep philosophy in its lines, coupled with a story of much heart interest, gives an opportunity for some stage settings that carries the mind of the theatregoer back to the days of "Way Down East," "Shore Acres" and "Blue Jeans." That this fact was taken advantage of by the producers was evidenced by the enthusiastic applause of the audience as the curtain was raised for each act.

Mr. Hodge essayed the role of Jim Whitman, a general handy man about the village, who studied law in his spare moments during the day and until a late hour at night. In addition to his ability to make himself useful, Whitman has a genial nature, coupled with a self-control and patience that many a lawyer might well envy. In many a lawyer might well envy. In many a lawyer might well envy. In many a lawyer might well envy.

Second to that of Mr. Hodge, was the work of Scott Cooper, in the role of Benjamin Hardcastle. The part is an unpopular one and Mr. Cooper's success in it is, for that reason, a greater compliment to his ability as an actor.

In the character role of Phil Hunt, a typical old New England farmer, A. L. Evans made one of the hits of the performance and he and his old horse "Senator" will doubtless be remembered for some time by last night's audience.

Howard Morgan and Marie Hayes handled the character roles of William Ackerman and Martha Hardcastle in a manner that furnished a big portion of the comedy that went to make the performance enjoyable.

Eugenie Woodward showed herself to be a character actress of no mean ability, her role being that of Mrs. Whitman, Jim's elderly mother. The scenes in which she had a part were made big through her presence.

Reeva Greenwood as Eva Hardcastle acted the innocent country girl in a commendably natural manner and the sweet toned voice and ingenious acting of Miss Gertrude Hitz was one of the pleasing features of the production.

The other parts were also well taken.

STENOGRAPHERS

The Smithsonian will open a special summer course for stenographic dictation and office practice on Monday, June 1. Sessions 9 to 12 a. m. Short-hand typing, English, business letter writing and dictation. —Advertisement.

Read the Classified Ads.

MELLEN STORY CALLED UNTRUE

Former New Haven President Says Testimony Stands as Given, Under Oath.

MORGAN'S STATEMENT

Son of Late Financier Takes Issue With Statements Made Regarding Father's Methods.

New York, May 26.—Charles S. Mellen former president of the New Haven system, last night made this comment when his attention was called to Mr. Morgan's statement: "I testified under oath. My testimony stands as it was given. If Mr. Morgan wants to testify under oath he can, do so, so far as I am concerned."

New York, May 26.—J. P. Morgan last night characterized as untrue the testimony of Charles S. Mellen, former head of the New York, New Haven & Hartford railroad, before the interstate commerce commission in Washington last week, that J. Pierpont Morgan concealed from Mr. Mellen facts regarding the New Haven road, which Mr. Mellen should have known.

Mr. Morgan offered to produce before any proper tribunal at any time the records of J. P. Morgan and company and the personal records of his father.

Taking full responsibility upon himself for the change in the road's presidency, by which Mr. Mellen resigned, Mr. Morgan said it was untrue that his father in any sense took from Mr. Mellen the management of the road or any part of its affairs.

Boston & Maine Absorption. Regarding the absorption of the Boston and Maine by the New Haven, Mr. Morgan said his father deemed it advisable for the public benefit, since it was recognized by others as well as by the late Mr. Morgan himself, that changing economic conditions threatened the commercial position of New England.

Mr. Morgan's statement was his first direct reply to Mr. Mellen's Washington testimony, which he examined, he said, from a stenographic report. The statement read:

"I became a director of the New Haven railroad in April 1913, and resigned December 31, of the same year. The only reference to me personally which I have found in Mr. Mellen's testimony has to do with the fact that I, as a director of the company, called upon him and told him that a change in the presidency was desirable. For any blame that attaches to that act, whether it be accorded me as a member of the board of directors, or as an individual, I accept full responsibility. There is, however, in Mr. Mellen's testimony something more important to me than any possible criticism of myself. Mr. Mellen in substance charges my father with having concealed from him, the president of the company, facts which the president of the company should have known. Every one who knew my father knows this to be untrue. During the last ten years of my father's life he was abroad more than one-third of the time. During the last three years of his life, he was abroad one-half of the time. As the world knows, he was actively connected during this whole period with many different affairs. That he would have had the time, even if he had had the desire, to interfere actively in the management of the New Haven is impossible.

Morgan Reviews Affair. "Mr. Mellen is right in describing my father as a forceful man. He is right also in picturing my father's deep interest in New Haven affairs. My father was born in New England and he believed in the New Haven railroad. He recognized, as others have recognized, that with the shifting of the center of population in this country, and the changing economic conditions, the commercial position of New England was threatened and that a change in this commercial position, would, unless an effort were made to counteract it, result in an unfavorable effect upon New England's leading railroad. He undoubtedly believed that a railroad peculiarly situated as is the New Haven, with a growing passenger traffic at very low rates and with expensive improvements required all along its line, must make every effort to increase its traffic and maintain its position. He believed, moreover, that the New Haven and the Boston and Maine which were not in his opinion in any sense competing lines, could be operated to the benefit of New England more advantageously together than apart, and that no harm could come to the public from this amalgamation by reason of the full measures of state and national regulation which the laws afforded. I am quite ready to believe, also, that he agreed with Mr. Mellen that the entrance of the Grand Trunk railway into Providence would have involved the unnecessary duplication of facilities for which the New England public sooner or later would have had to pay. But the imputation that my father in any sense took the management of the railroad, or any part of its affairs, from me or any of its members, growing out of transactions of any kind whatever, connected with the New Haven lines, for a period of 20 years. Those total net profits amounted to approximately \$350,000, which included their compensation for handling, alone or in connection with others, securities of the par value of \$233,000,000.

"The records of my firm and the personal records of my father are still intact; they are available and ready for production before any proper tribunal at any time. "In the present state of the New Haven affairs, made public every obtainable bit of evidence, bearing not on one, but on all sides of the question, Meanwhile, the honest and

capable man now managing the railroad should have the active co-operation not only of all shareholders, but of all public bodies as well, to the end that this great property may be restored to the position to which it is entitled."

DISSOLUTION NOTICE

Notice is hereby given that the undersigned on the 9th day of March, 1914, withdrew as a partner from the firm of Ballantyne & Perkins and that since said date James E. Ballantyne has had no authority to transact business in the name of said firm and the undersigned will not be responsible for any business done by him from and after said date.

(Signed) WILLIAM A. PERKINS.
—Advertisement.

STATEWIDE SEARCH FOR CHINESE GIRLS

San Francisco, Cal., May 26.—The two young daughters of Shan Ching Shu, Chinese consul general in San Francisco, who disappeared from their home yesterday and were believed to have been kidnapped, were found today sleeping in a dry creek bed in the Berkeley hills. They had wandered into the hills to pick wild flowers and lost their way.

Following the disappearance of the children yesterday, federal and municipal officials on both sides of San Francisco bay engaged in an exhaustive search and officials in every Pacific coast city were on the lookout for the supposed kidnappers.

COL. ROOSEVELT TO OPEN CAMPAIGN

Philadelphia, Pa., May 26.—Colonel Roosevelt's formal campaign for the Progressive party this year probably will be opened in Pennsylvania. He promised today while on his way to Washington to speak in Pittsburgh on June 30. The date is six days after Colonel Roosevelt is to return from Spain and his address in all likelihood will be the first extended political utterance of the campaign unless he decides to make a speech or a statement before he sails for Europe on Saturday.

NOTICE

Commencing June 6, during June, July, August, H. J. Griffin, Blackman and Griffin, Cragin Bros., Ogden Commission, J. R. Brown, will close 1 p. m. Saturdays.—Advertisement.

IN THE DISTRICT COURT

Of the County of Weber, State of Utah Security Savings Bank, a Corporation, Plaintiff, vs. K. E. Sasaki and George A. Craig, Defendants, ss.

To be sold at Sheriff's Sale on the 12th day of June, 1914, at 12 o'clock noon, at the south front door of the Weber county court house, in Ogden City, Weber county, Utah, the following described property:

Located in Weber county, Utah: A part of lots 7 and 8 in block 20, plat A, Ogden City survey, beginning at a point 22 feet east of the north-west corner of said lot 8, thence east 31 feet, thence south 330 feet to south line of said lot, thence west 31 feet, thence north 22 feet, thence east 49.5 feet, thence north 148 feet 10 inches, thence east 49.5 feet, thence north 159 feet 2 inches, more or less to beginning.

Also a part of lot 8, block 30, plat A, Ogden City survey, beginning at the north-west corner of said lot, thence south 10 rods, thence east 4 rods, thence north 10 rods, thence west 4 rods, to beginning.

Also a part of lot 5, in block 37, plat A, Ogden City survey, beginning at the southwest corner of said lot, thence north 3 rods, thence east 20 rods, thence south 3 rods, thence west 20 rods, to beginning.

Also all the south 25 of lot 10, block 7, Ogden Five Acre plat A, Ogden City survey, excepting therefrom the following described tract: Beginning at the southeast corner of said lot 10, running west 65 feet, thence north parallel to the east line of said lot to the south line of 20th street, in Ogden City, thence east 65 feet, thence south to the place of beginning.

Dated at Ogden City, Weber County, Utah, this 19th day of May, 1914.

T. A. DEVINE,
Sheriff of Weber Co., Utah
BY C. ALLISON,
Deputy Sheriff.

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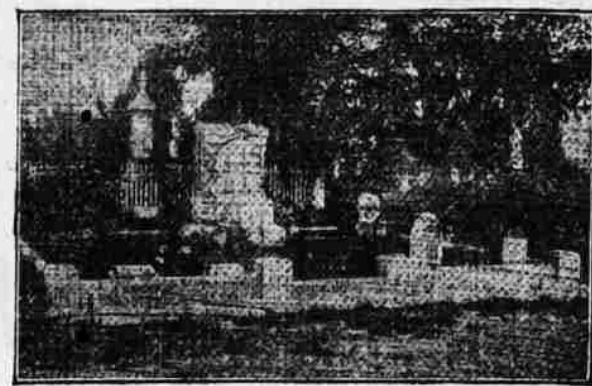
302 Twenty-fifth St.

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Let me figure on your work.

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Ogden, Utah.

It's Not Giving The Ladies A Square Deal

Think if you will, please, how much of a woman's time is spent in her kitchen. Is it fair to expect her to go through another Summer working in an atmosphere of 100 degrees or more, and toiling over a coal stove which is radiating about 150 degrees of heat. Are we giving her a square deal when we allow her to carry up heavy loads of coal and wood from the cellar, and compel her to bother with messy, dirty kindlings and ashes.

Cool, comfortable and tidy kitchens are very easily secured. It's simply a matter of using gas instead of coal. Why not order a Gas Range tomorrow?

If it's a matter of space which is bothering you, we have ranges in all sizes or if it's a matter of ready money, we can fix the terms to suit your convenience.

See The Utah Light and Railway Company Tomorrow

Or telephone, and they will send a representative. Prepare now for next fall and winter by replacing Carbon Lamps with Westinghouse Mazda Lamps.

The Standard IDEAL ART EMBROIDERY PATTERNS

Here is a very appropriate and attractive design for a necessary part of the embroidery girl's outfit. A glove to be worked in solid, eyelet and buttonhole embroidery. It will make a very attractive and appropriate gift, something the average girl wants very much—a place to keep her party gloves as they won't soil her dress—also a place to keep her party gloves as they won't soil her dress—also a place to keep her party gloves as they won't soil her dress.

BUELNA FORCES LOAN. On Board U. S. S. California, Mazatlan, Mexico, May 25.—(Via Wire) to San Diego, May 26.—General Buelna, who was appointed governor of the state of Tepic after the constitutionalist occupation of the City of Tepic, has forced financiers there to lend 60,000 pesos to the Carranza government for the payment of the troops and other military expenses. This information was conveyed to the arrival of the American fleet here today.